

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SYP NORTHWEST, LLC,

PLAINTIFF

VS.

CERTAIN UNDERWRITERS AT
LLOYD’S, LONDON

DEFENDANTS

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CIVIL ACTION NO: 3:21-cv-352

**NOTICE OF REMOVAL OF DEFENDANT CERTAIN
UNDERWRITERS AT LLOYD’S LONDON**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

Pursuant to 28 U.S.C. §§ 1332 and 1441, Defendant Certain Underwriters at Lloyd’s London - Brit Syndicate 2987 (“Brit”) files this Notice of Removal, removing Cause No. DC-20-19162 from the 14th Judicial District Court of Dallas County (the “State Court Action”), to the United States District Court for the Northern District of Texas, Dallas Division, based on diversity of citizenship. In support of this Notice of Removal, Brit states:

**I.
INTRODUCTION**

1. Removal of this case is proper because the Court has original jurisdiction over this matter according to 28 U.S.C. § 1332. Specifically, the amount in controversy exceeds \$75,000.00, and the citizenship of Plaintiff SYP Northwest, LLC is diverse from Brit.

**II.
PARTIES**

2. Plaintiff SYP-Northwest L.C. (incorrectly named SYP Northwest, LLC in Plaintiff’s Original Petition) is a Texas Limited Liability Company. (App 0002). Plaintiff’s

registered office in the State of Texas is 1342 Woodbrook Ct. Southlake, TX 76092. (App 0002). On information and belief, Plaintiff's sole member is Shiraz Poonawala, a Texas citizen, whose address is 1342 Woodbrook Ct., Southlake, TX 76092. (Id.). Therefore, Plaintiff and Plaintiff's sole member, are Texas residents.

3. Brit is the exclusive insurer of the risk and is a resident of the United Kingdom. Brit, an unincorporated association, is owned 100% by Brit UW, Ltd., a private limited company formed under the laws of England and Wales. There are no natural persons that own Brit. The Texas Department of Insurance lists Brit as a Lloyd's at London eligible surplus lines carrier, and Brit has an alien NAIC number. (App 0008). The Policy reflects the address of Brit is The Leadenhall Building, 122 Leadenhall St., London EC3V 4AB. (App 0014). Plaintiff also alleges that Brit is a foreign entity. (Ex D, Petition at ¶ 2).

III. PROCEDURAL HISTORY

4. On December 30, 2020, Plaintiff commenced Cause No. DC-2--19162, *SYP Northwest, LLC v. Underwriters at Lloyd's London*, in the 14th District Court of Dallas County, Texas. (Ex F)

5. Brit was served with the Original Petition on January 22, 2021. (Ex. I). Because Brit filed this Notice of Removal within 30 days after service, it is timely. 28 U.S.C. § 1446(b). This Notice of Removal is also filed within one year of the commencement of this action. 28 U.S.C. § 1446(c).

IV. FACTUAL BACKGROUND

6. Plaintiff's claims arise under an insurance policy issued by Brit for the commercial building located at 8904 North Stemmons Freeway, Dallas, Texas 75247 ("Insured Property"), and effective April 22, 2019 to April 22, 2020. Plaintiff makes various claims related to Brit's handling

1181043-v/10810-154000

of its insurance claim, the crux of which is that Brit refused to make a full payment for damage to the Insured Property, allegedly caused by windstorm. (Ex D, Petition at ¶¶ 19, 25). Plaintiff claims that Brit failed to pay for Plaintiff's entire damages, which constitutes a breach of contract, violations of the Texas Insurance Code, violations of the Texas Prompt Payment Act, statutory interest, breach of the duty of good faith and fair dealing and violations of the Texas DTPA. (Ex D, Petition at ¶¶ 17-63).

V. BASIS FOR REMOVAL

7. Brit is entitled to remove any action filed in state court over which a federal court has original jurisdiction. 28 U.S.C. § 1441. The two principal bases by which federal courts obtain original jurisdiction are federal question jurisdiction under 28 U.S.C. § 1331 and diversity jurisdiction under 28 U.S.C. § 1332. Removal is proper in this case because the Court has diversity jurisdiction over this matter under 28 U.S.C. § 1332. Diversity jurisdiction requires complete diversity among the parties and an amount in controversy that exceeds \$75,000.00. 28 U.S.C. § 1332. Plaintiff is a citizen of Texas and Brit is a citizen of England.

8. The second requirement of diversity jurisdiction is that the amount in controversy exceeds \$75,000.00. The Petition alleges damages between \$200,000.00 and \$1,000,00.00, exclusive of interest and costs. (Ex D, Petition at ¶ 4). A defendant may perfect a notice of removal based on allegations in the pleadings or facts in the notice. *Chapman v. Powermatic, Inc.*, 969 F.2d 160, 163 n.6 (5th Cir. 1992). Thus, the amount in controversy requirement is met in this case.

VI. VENUE

9. Venue lies in the Northern District of Texas, Dallas Division, under 28 U.S.C. §§ 1441(a) and 1446(a) because Plaintiff filed the State Court Action in this judicial district and division.

1181043-v/10810-154000

VII.
NOTICE TO STATE COURT

10. Defendant will file with the clerk of the state court, and will serve upon Plaintiff, a notice of the filing of this Notice of Removal.

VIII.
EXHIBITS TO NOTICE OF REMOVAL

11. According to Local Rule CV-81, copies of all state court pleadings are attached to this Notice of Removal. The following exhibits are attached hereto:

- a. A civil cover sheet and supplemental civil cover sheet (Ex. A);
- b. An index of documents that clearly identifies each document and indicates the date the document was filed in state court (Ex. B);
- c. A copy of the state court docket sheet (Ex. C);
- d. Each document filed in the state court action, except discovery material (if filed on paper, each documents must be individually tabbed and arranged in chronological order according to the state court file date; if filed by electronic means, each document must be filed as a separate attachment);
 - i. Plaintiff's Original Petition (Ex. D);
 - ii. Request for Service (Ex. E);
 - iii. Issued Citation – Underwriters at Lloyd's, London (Ex. F);
 - iv. Issued Amended Citation – Underwriters at Lloyd's, London (Ex. G);
 - v. Jury Demand (Ex. H);
 - vi. Executed Citation – Underwriters at Lloyd's, London (Ex. I);
 - vii. Original Answer of Defendant Underwriters at Lloyd's, London (Ex. J).
- e. A separately signed certificate of interested persons that complies with LR 3.1(c) or 3.2(e) (Ex. K).

CONCLUSION

12. The Court has diversity jurisdiction over this action under 28 U.S.C. § 1332 because (1) there is complete diversity of citizenship between SYP Northwest, LLC and Brit, and (2) the value of the matter in controversy exceeds \$75,000.00, exclusive of interest and costs. Consequently, Brit may remove this action under 28 U.S.C. § 1441 and Local Rule 81.

13. WHEREFORE, Brit hereby removes the State Court Action captioned Cause No. DC-20-19162, *SYP Northwest, LLC v. Underwriters at Lloyd's London*, in the 14th District Court of Dallas County, Texas to the United States District Court for the Northern District of Texas, Dallas Division.

Dated: February 19, 2021

Respectfully submitted,

/s/ Carter Ferguson

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**ATTORNEY IN CHARGE FOR DEFENDANT
CERTAIN UNDERWRITERS AT LLOYD'S,
LONDON (BRIT SYNDICATE 2987)**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent to all parties and counsel of record, pursuant to the Federal Rules of Civil Procedure, addressed as follows:

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ATTORNEYS FOR PLAINTIFF

DATED this 19th day of February, 2021.

/s/ Carter L. Ferguson

Carter L. Ferguson